

Notice of Allowability	Application No.	Applicant(s)	
	09/938,141	GOLOGORAKY ET AL.	
	Examiner	Art Unit	
	Jennifer Liversedge	3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/26/2007.
2. ☒ The allowed claim(s) is/are 1-16.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
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DETAILED ACTION

Response to Amendment

This Office Action is responsive to Applicant's amendment and request for reconsideration of application 09/938,141 filed on April 26, 2007.

The amendment contains original claims: 1-5 and 9-16.

The amendment contains amended claims: 6-7.

The amendment contains previously presented claims: 8.

Claims 17-30 have been withdrawn.

Allowable Subject Matter

Claims 1-16 are allowed. The following is an examiner's statement of reasons for allowance: the prior art fails to teach or suggest the limitations of the independent claims.

Independent claim 1 discloses a method for conducting an auction comprising entering at a data processing system a bid into the auction on behalf of a first bidder; receiving at the data processing system a bid package from a second bidder wherein the bid package directs the data processing system to determine a bid variable based at least in part on the identity of the first bidder; and entering at the data processing system a second bid into the auction on behalf of the second bidder wherein the second bid comprises the bid variable as determined by the data processing system.

Independent claim 6 discloses a method for conducting an auction comprising entering at a data processing system a bid into the auction on behalf of a first bidder

wherein the first bid comprises a first bid variable; receiving at the data processing system a bid package from a second bidder wherein the bid package directs the data processing system to determine a second bid variable based at least in part on the identity of the first bidder and on the first bid variable; and entering at the data processing system a second bid into the auction on behalf of the second bidder wherein the second bid comprises the second bid variable as determined by the data processing system.

Independent claim 8 discloses a method for conducting an auction comprising entering at a data processing system a first bid into the auction on behalf of a first bidder wherein the first bid comprises a first bid variable; entering at a data processing system a second bid into the auction on behalf of a second bidder wherein the second bid comprises a second bid variable; receiving at the data processing system a bid package from a third bidder wherein the bid package directs the data processing system to determine a third bid variable based at least in part on the identity of the first bidder and on the identity of the second bidder; and entering at the data processing system a third bid into the auction on behalf of the third bidder wherein the third bid comprises the third bid variable as determined by the data processing system.

Independent claim 15 discloses a method for conducting an auction comprising entering at a data processing system a first bid into the auction on behalf of a first bidder; entering at a data processing system a second bid into the auction on behalf of a second bidder; receiving at the data processing system a bid package from a third bidder wherein the bid package directs the data processing system to determine a third

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bid variable based at least in part on the identity of the first bidder and on ignore the identity of the second bidder in determining the third bid variable; and entering at the data processing system a third bid into the auction on behalf of the third bidder wherein the third bid comprises the third bid variable.

The primary difference between the claimed invention and the prior art is the method of receiving a bid package from a second (and third) bidder wherein the bid package directs a data processing system to determine a bid variable based, at least in part, on the identity of a first (and second bidder in the case of receiving a third bid package) bidder.

While the prior art discloses where a low bidder may not be selected if other factors, such as knowing the business, are considered to be more valuable than strictly retaining the lowest bid, and wherein bidders can assign decision rules for determining bids, and wherein different limits may be imposed for different bidders (US Patent 6,199,050 B1 to Alaia et al.). However, Alaia does not disclose the method of receiving a bid package from a second (and third) bidder wherein the bid package directs a data processing system to determine a bid variable based, at least in part, on the identity of a first (and second bidder in the case of receiving a third bid package) bidder.

Further, US Patent 6,055,518 to Franklin et al. discloses a method of bidding in which bidders remain anonymous until after the auction has closed. However, Franklin does not disclose the method of receiving a bid package from a second (and third)

bidder wherein the bid package directs a data processing system to determine a bid variable based, at least in part, on the identity of a first (and second bidder in the case of receiving a third bid package) bidder.

In addition, US Patent 6,609,112 B1 to Boarman et al. discloses the method a processor to provide automatic bid adjustment through use of a participant defined proxy. However, Boarman does not disclose the method of receiving a bid package from a second (and third) bidder wherein the bid package directs a data processing system to determine a bid variable based, at least in part, on the identity of a first (and second bidder in the case of receiving a third bid package) bidder.

Prior art as disclosed by Kinney, Jr. et al. in US Patent 6,871,191 B1 discloses a transformation function for adjusting bids in which price and non-price variables are used in the transformation function and wherein the value of one bid is affected by the parameters and price associated with other bids in the market. However, Kinney does not disclose the method of receiving a bid package from a second (and third) bidder wherein the bid package directs a data processing system to determine a bid variable based, at least in part, on the identity of a first (and second bidder in the case of receiving a third bid package) bidder.

NPL discloses where bidders make a bid determination based on feedback received regarding other bidders (The Complete Idiot's Guide to Online Auctions by Michael Miller). However, Miller does not disclose the method of receiving a bid package from a second (and third) bidder wherein the bid package directs a data

processing system to determine a bid variable based, at least in part, on the identity of a first (and second bidder in the case of receiving a third bid package) bidder.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication should be directed to Jennifer Liversedge whose telephone number is 571-272-3167. The examiner can normally be reached on Monday – Friday, 8:30 – 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Kramer can be reached at 571-272-6783. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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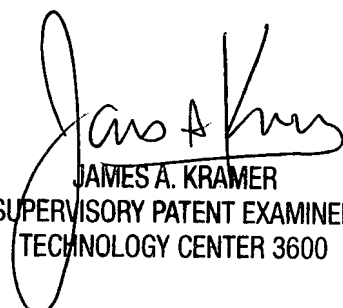
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Jennifer Liversedge

Examiner

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JAMES A. KRAMER
SUPERVISORY PATENT EXAMINER
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7/16/07